

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1144

To enhance the authorities and responsibilities of the Office of National Drug Control Policy, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 23 (legislative day, JUNE 22), 1993

Mr. DECONCINI introduced the following bill; which was read twice and referred to the Committee on the Judiciary

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## A BILL

To enhance the authorities and responsibilities of the Office of National Drug Control Policy, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. NATIONAL DRUG CONTROL PROGRAM BUDGET.**

4       Section 1003(c) of the National Narcotics Leadership  
5       Act of 1988 (21 U.S.C. 1502 et seq.) is amended—

6               (1) by redesignating paragraphs (5), (6), and  
7       (7), as paragraphs (6), (7), and (8), respectively;  
8       and

1           (2) by inserting after paragraph (4) the follow-  
2           ing new paragraph:

3           “(5) The Director shall request the head of a depart-  
4           ment or agency to include in the department or agency’s  
5           budget submission to the Office of Management and  
6           Budget funding requests for specific initiatives that are  
7           consistent with the President’s priorities for the National  
8           Drug Control Strategy and certifications made pursuant  
9           to paragraph (3), and the head of the department or agen-  
10          cy shall comply with such a request.”.

11   **SEC. 2. CONTROL OF DRUG-RELATED RESOURCES.**

12          Section 1003 of the National Narcotics Leadership  
13   Act of 1988 (21 U.S.C. 1502) is amended—

14               (1) in subsection (d)—

15                       (A) by amending paragraph (2) to read as  
16                       follows:

17               “(2) request the head of a department of agen-  
18               cy to place department or agency personnel who are  
19               engaged in drug control activities on temporary de-  
20               tail to another department or agency in order to im-  
21               plement the National Drug Control Strategy, and  
22               the head of the department or agency shall comply  
23               with such a request;

24                       (B) by striking “and” at the end of para-  
25                       graph (6);

1 (C) by striking the period at the end of  
2 paragraph (7) and inserting a semicolon; and

3 (D) by adding after paragraph (7) the fol-  
4 lowing new paragraphs:

5 “(8) except to the extent that the Director’s au-  
6 thority under this paragraph is limited in an annual  
7 appropriation Act by specific reference to this para-  
8 graph, transfer funds appropriated to a National  
9 Drug Control Program agency account to a different  
10 National Drug Control Program agency account in  
11 an amount that does not exceed 2 percent of the  
12 amount appropriated to either account, after having  
13 received the approval of the Committee on Appro-  
14 priations of each House of Congress; and

15 “(9) in order to ensure compliance with the Na-  
16 tional Drug Control Program, issue to the head of  
17 a National Drug Control Program agency a funds  
18 control notice described in subsection (f).”; and

19 (2) by adding at the end the following new sub-  
20 sections:

21 “(f) FUNDS CONTROL NOTICES.—(1) A funds con-  
22 trol notice may direct that all or part of an amount appro-  
23 priated to the National Drug Control Program agency ac-  
24 count be obligated by—

1           “(A) months, fiscal year quarters, or other time  
2           periods; and

3           “(B) activities, functions, projects, or object  
4           classes.

5           “(2) An officer or employee of a National Drug Con-  
6           trol Program agency shall not make or authorize an ex-  
7           penditure or obligation contrary to a funds control notice  
8           issued by the Director.

9           “(3) In the case of a violation of paragraph (2) by  
10          an officer or employee of a National Drug Control Pro-  
11          gram agency, the head of the agency, upon the request  
12          of and in consultation with the Director, may subject the  
13          officer or employee to appropriate administrative dis-  
14          cipline, including, when circumstances warrant, suspen-  
15          sion from duty without pay or removal from office.

16          “(g) LIMIT ON NUMBER OF POLITICAL AP-  
17          POINTEES.—Not more than 10 percent of the members  
18          of the officers and employees of the Office of National  
19          Drug Control Policy (including the Director, Deputy Di-  
20          rectors, and Associate Directors) may be in positions that  
21          are—

22                 “(1) positions of a confidential or policy-deter-  
23                 mining character under Schedule C of subpart C of  
24                 part 213 of title 5, Code of Federal Regulations;

1           “(2) Senior Executive Service positions filled by  
2       noncareer appointees; or

3           “(3) positions on the Executive Schedule under  
4       subchapter II of chapter 53 of title 5, United States  
5       Code.

6       “(h) PROHIBITION ON POLITICAL CAMPAIGNING.—  
7       No Federal officer in the Office of the National Drug Con-  
8       trol Policy who is appointed by the President, by and with  
9       the advice and consent of the Senate, may use his official  
10      authority or influence for partisan political purposes.”.

11   **SEC. 3. SPECIAL FORFEITURE FUND AMENDMENTS.**

12       (a) ESTABLISHMENT OF FUND.—Section 6073 of the  
13      Asset Forfeiture Amendments Act of 1988 (21 U.S.C.  
14      1509) is amended—

15           (1) by amending subsection (b) to read as  
16      follows:

17       “(b) TRANSFERS FROM OTHER FUNDS.—

18           “(1) DEPARTMENT OF JUSTICE DEPOSITS.—(A)  
19      On October 1 of each of fiscal years 1994, 1995,  
20      1996, 1997, and 1998, the Attorney General shall  
21      estimate, with the concurrence of the Director, the  
22      excess unobligated balance anticipated as of Septem-  
23      ber 30 in the Department of Justice Assets Forfeit-  
24      ure Fund established under section 524(c) of title  
25      28, United States Code. For fiscal year 1993, the

1 excess unobligated balance as of September 30 shall  
2 be estimated within 15 days after the date of enact-  
3 ment of this paragraph.

4 “(B) In each of fiscal years 1993, 1994, 1995,  
5 1996, 1997, and 1998, the Attorney General shall  
6 transfer to the Fund the excess unobligated balance  
7 estimated under subparagraph (A). Such transfers  
8 shall be made at the end of each quarter of a fiscal  
9 year on a pro rata basis. In order to account for un-  
10 anticipated fluctuations in the Department of Jus-  
11 tice Assets Forfeiture Fund balance during a fiscal  
12 year, the transfer at the end of the fourth quarter  
13 of each fiscal year shall be adjusted by the Attorney  
14 General, with the concurrence of the Director, so  
15 that the transfer is equal to the actual remaining ex-  
16 cess unobligated balance in the Department of Jus-  
17 tice Assets Forfeiture Fund on September 30.  
18 Transfers under this subparagraph shall be made  
19 only to the extent that the aggregate amount of such  
20 transfers during a fiscal year does not exceed  
21 \$150,000,000.

22 “(2) DEPARTMENT OF THE TREASURY DEPOS-  
23 ITS.—(A) On October 1 of each of fiscal years 1994,  
24 1995, 1996, 1997, and 1998, the Secretary of the  
25 Treasury shall estimate, with the concurrence of the

1 Director, the excess unobligated balance anticipated  
2 as of September 30 in the Department of the Treas-  
3 ury Forfeiture Fund established under section 9703  
4 of title 31, United States Code. For fiscal year  
5 1993, the excess unobligated balance as of Septem-  
6 ber 30 shall be estimated within 15 days after the  
7 date of enactment of this paragraph.

8 “(B) In each of fiscal years 1993, 1994, 1995,  
9 1996, 1997, and 1998, the Secretary of the Treas-  
10 ury shall transfer to the Fund the excess unobli-  
11 gated balance estimated under subparagraph (A).  
12 Such transfers shall be made at the end of each  
13 quarter of a fiscal year on a pro rata basis. In order  
14 to account for unanticipated fluctuations in the De-  
15 partment of the Treasury Forfeiture Fund balance  
16 during a fiscal year, the transfer at the end of the  
17 fourth quarter of each fiscal year shall be adjusted  
18 by the Secretary of the Treasury, with the concur-  
19 rence of the Director, so that the transfer is equal  
20 to the actual remaining excess unobligated balance  
21 in the Department of the Treasury Forfeiture Fund  
22 on September 30. Transfers under this subpara-  
23 graph shall be made only to the extent that the ag-  
24 gregate amount of such transfers during a fiscal  
25 year does not exceed \$150,000,000.”.

1           (2) by redesignating subsections (c), (d), (e),  
2           and (f), as subsections (e), (f), (g), and (h), respec-  
3           tively; and

4           (3) by inserting after subsection (b) the follow-  
5           ing new subsection:

6           “(c) SUPER SURPLUS.—(1) Any unobligated balance  
7           up to \$20,000,000 remaining in the Fund on September  
8           30 of a fiscal year shall be available to the Director, sub-  
9           ject to appropriation and subject to paragraph (2), to  
10          transfer to, and for obligation and expenditure in connec-  
11          tion with drug control activities of, any Federal agency  
12          or State or local entity with responsibilities under the Na-  
13          tional Drug Control Strategy.

14          “(2) A transfer may be made under paragraph (1)  
15          only with the advance written approval of the Committee  
16          on Appropriations of each House of Congress.”.

17          (b) CONFORMING AMENDMENTS.—

18                 (1) DEPARTMENT OF JUSTICE ASSETS FOR-  
19                 FEITURE FUND.—Section 524(c)(9) of title 28,  
20                 United States Code, is amended—

21                         (A) by striking subparagraph (B) and in-  
22                         serting the following new paragraph:

23                 “(B) The Attorney General shall make transfers from  
24                 the Fund to the Office of National Drug Control Policy’s  
25                 Special Forfeiture Fund in the manner provided in section



1 6073(b)(1) of the Asset Forfeiture Amendments Act of  
 2 1988 (21 U.S.C. 1509(b)(1)).”;

3 (B) by striking subparagraph (C); and

4 (C) by redesignating subparagraphs (D)  
 5 and (E) as subparagraphs (C) and (D), respec-  
 6 tively.

7 (2) DEPARTMENT OF THE TREASURY FORFEIT-  
 8 URE FUND.—Section 9703(g) of title 31, United  
 9 States Code, is amended by striking paragraphs (3)  
 10 and (4) and inserting the following new paragraph:

11 “(3) The Secretary of the Treasury shall make  
 12 transfers from the Fund to the Office of National  
 13 Drug Control Policy’s Special Forfeiture Fund in  
 14 the manner provided in section 6073(b)(2) of the  
 15 Asset Forfeiture Amendments Act of 1988 (21  
 16 U.S.C. 1509(b)(2)).”.

17 **SEC. 4. COORDINATION WITH EXECUTIVE BRANCH AGEN-**  
 18 **CIES.**

19 Section 1004 of the National Narcotics Leadership  
 20 Act of 1988 (21 U.S.C. 1503) is amended—

21 (1) in subsection (a) by amending paragraph  
 22 (1) to read as follows:

23 “(1) Each Federal Government program manager,  
 24 agency head, or department head with responsibilities  
 25 under the National Drug Control Strategy shall provide

1 such information (including reports, memoranda, letters,  
2 studies, surveys, and information maintained in data col-  
3 lection systems) for purposes of drug control as the Direc-  
4 tor may request. Information shall be transmitted timely  
5 and in such manner and format as may be prescribed by  
6 the Director.”;

7 (2) by redesignating subsections (b) and (c) as  
8 subsections (c) and (d), respectively;

9 (3) by inserting after subsection (a) the follow-  
10 ing new subsection:

11 “(b) NATIONAL DRUG CONTROL DATA COLLECTION  
12 SYSTEMS.—(1) For each National Drug Control Program  
13 agency, the Director may designate certain data collection  
14 systems as being essential for drug control purposes.

15 “(2) The Director may require data collection sys-  
16 tems designated under paragraph (1) to be modified in  
17 accordance with standards established by the Director to  
18 ensure appropriate scope and coverage of data collection.”;  
19 and

20 (4) by striking subsection (c)(2) (as redesigned  
21 by paragraph (2)) and inserting the following new  
22 paragraph:

23 “(2) An officer or employee of a National Drug Con-  
24 trol Program Agency shall not take any action to imple-  
25 ment a change in the drug control policy of the agency

1 unless the policy change has been certified in advance by  
2 the Director under paragraph (1) as being consistent with  
3 the National Drug Control Strategy.”.

4 **SEC. 5. TERMINATION OF OFFICE OF NATIONAL DRUG CON-**  
5 **TROL POLICY.**

6 Section 1009 of the National Narcotics Leadership  
7 Act of 1988 (21 U.S.C. 1506) is amended by striking “the  
8 date which is 5 years after the date of the enactment of  
9 this subtitle” and inserting “September 30, 1998”.

10 **SEC. 6. DIRECTOR AS A MEMBER OF THE CABINET.**

11 The Director of National Drug Control Policy shall  
12 be a member of the President’s Cabinet.

13 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

14 Section 1011 of the National Narcotics Leadership  
15 Act of 1988 (21 U.S.C. 1508) is amended by striking “4”  
16 and inserting “9”.

